



# U.S. FISH AND WILDLIFE SERVICE TRANSMITTAL SHEET

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| PART<br>225 FW 8  | SUBJECT<br>Personnel<br>Administratively Uncontrollable Overtime | RELEASE NUMBER<br>397 |
| FOR FURTHER INFORMATION<br>CONTACT<br>Division of Human Resources |  | DATE<br>May 20, 2002  |

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This chapter includes minor revisions and incorporates plain language requirements.

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Deputy DIRECTOR

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**FISH AND WILDLIFE SERVICE  
PERSONNEL**

**Personnel**

**Part 225 Classification, Pay and Allowances**

**Chapter 8 Administratively Uncontrollable Overtime**

**225 FW 8**

**8.1 What is the purpose of this chapter?** This chapter sets forth guidance and procedures on the administration and use of administratively uncontrollable overtime (AUO).

**8.2 What are the basics of administratively uncontrollable overtime?** Administratively uncontrollable overtime is one of a number of pay options available to management for accomplishing work, and management officials may use it only when they have determined that it is the most appropriate method of compensating employees for performing the irregular or occasional overtime (e.g., overtime hours not scheduled in advance of the employee's administrative workweek) work inherent in their positions. When approving officials must grant AUO, they will ensure its proper and consistent administration in accordance with applicable pay regulations and Service policy. Approving officials may not grant AUO retroactively.

**8.3 What are the eligibility and authorization provisions of AUO?**

**A.** 5 U.S.C 5545(c)(2) and 5 CFR 550.151 authorize the payment of AUO to an employee in a position in which the hours of duty cannot be controlled administratively and that requires substantial amounts of irregular or unscheduled overtime work, with the employee generally being responsible for recognizing, without supervision, circumstances that require the employee to remain on duty.

**B.** An employee in receipt of AUO will also receive pay for regular overtime, work at night, work on Sundays, and work on holidays, as appropriate, under governing authorities.

**C.** Officials determine premium pay for AUO as an appropriate percentage, not less than 10 percent no more than 25 percent, of the employee's rate of basic pay. They determine the appropriate percentage rate by taking into consideration the frequency, duration, and expectancy of AUO overtime work required by the position over a specified period of time.

**D.** Approving officials may authorize premium pay for AUO for flyway biologists, members of special survey and bird banding crews, law enforcement refuge personnel, and employees in other qualifying positions that meet the requirements for the payment of AUO.

**E.** Authorization of AUO is subject to the approval of Regional Directors and Assistant Directors or their designees. At their discretion, these officials may designate subordinate supervisors to approve AUO when the designation is made in writing and no designated official approves his/her own overtime. Premium pay for AUO is appropriately approved when the position meets all of the following requirements:

**(1)** The position must be one in which the hours of duty cannot be controlled administratively; for example, by hiring additional personnel, by rescheduling duty hours, or by granting compensatory time to offset necessitated overtime hours.

**(2)** There is a requirement for the incumbent to perform substantial amounts of irregular or occasional overtime (e.g., an average of at least 3 hours a week) to satisfactorily execute the duties of the position. The need for irregular or occasional overtime work must be a continual requirement generally averaging more than once a week. In addition, there must be a basis for anticipating that the required duration and frequency of this overtime will continue for at least 3 months. For a member of a survey and banding crew, the overtime covering a full-time bird banding assignment must be at least 2 consecutive weeks in duration.

**(3)** The position requires that the employee is generally responsible for recognizing, without supervision, compelling circumstances that require the employee to remain on or return to duty. The responsibility for remaining at or returning to the work site must be a definite, official, and special requirement of the position and failure to undertake this responsibility would constitute negligence. The requirement that the employee is responsible for recognizing circumstances does not include such clear-cut instances as, for example, when an employee must remain at work because a relief fails to report as scheduled.

**F.** Employees serving in positions qualifying for AUO who do not meet or are not likely to meet the substantial hours requirement (e.g., an average of at least 3 hours of AUO or an authorized AUO assignment of less than the anticipated 2 consecutive weeks in duration), will be paid overtime under 5 U.S.C. 5542 for irregular or occasional overtime work in lieu of AUO. Overtime of this nature will be used to qualify for AUO.

**G.** 5 U.S.C. 5545 authorizes the payment of availability pay to GS-1811/1812 criminal investigators (see 225 FW 10). Because special agent positions embody the statutory definition of criminal investigator, the incumbents of these positions are entitled to be paid availability pay (see 225 FW 10) unless an exception applies. Consequently, special agents are neither eligible nor authorized to receive AUO.

**8.4 What are the responsibilities under this chapter?**

**A.** The Assistant Director - Budget, Planning, and Human Resources, is responsible for establishing Servicewide policy on the administration and use of AUO and for ensuring that its use is appropriate and complies with governing statutes and regulations. In addition, he/she serves as the technical advisor to the Director on matters concerning AUO.

**FISH AND WILDLIFE SERVICE  
PERSONNEL**

**Personnel**

**Part 225 Classification, Pay and Allowances**

**Chapter 8 Administratively Uncontrollable Overtime**

**225 FW 8**

**B. Assistant Directors and Regional Directors** are responsible for reviewing requests for AUO on a case-by-case basis and ensuring the appropriateness, propriety, and continuance of AUO payments for employees under their supervision. This responsibility extends to ensuring that the documentation and control procedures are executed in accordance with guidance in paragraph 8.11 during the review period. Officials must base the approval of each request upon a determination of eligibility that considers the results of periodic reviews on the use of AUO and alternatives for reducing or eliminating AUO. Such alternatives could result from hiring additional personnel, reassigning clerical duties to non-law enforcement staff members, establishing work priorities, discontinuing low priority activities, and seeking other, more cost effective means available to supervisors.

**C. Supervisors** are responsible for exploring alternatives to AUO (e.g., changes in tours of duty and rotational assignments) to avoid unnecessary expenditures of funds for AUO. In addition, supervisors will ensure that only qualifying AUO is considered in the determination of AUO percentage rates and that documentation to support the use and payment of AUO conforms to procedures contained in paragraph 8.11 and is maintained locally by supervisors or other designated officials in a filing system that provides for easy retrieval should the need arise to produce the documentation.

**D. Appropriate officials of servicing personnel offices** will ensure that personnel actions that effect or terminate AUO are supported by appropriate documentation before implementation.

**E. Employees in receipt of AUO** must be familiar with the regulations governing AUO and have constructive knowledge of policies relating to its use. They must accurately and completely document in sufficient detail AUO work situations as indicated in paragraph 8.11, and they are responsible for ensuring the accurate recording of all hours worked on their time and attendance reports.

**8.5 What is the rate of premium pay for AUO?** The rate of AUO is determined to be 10, 15, 20, or 25 percent of an employee's rate of basic pay based on the following:

- A.** Twenty-five percent is authorized for an average of over 9 hours of overtime per week.
- B.** Twenty percent is authorized for an average of over 7 hours but no more than 9 hours of overtime per week.
- C.** Fifteen percent is authorized for an average of over 5 hours but no more than 7 hours of overtime per week.
- D.** Ten percent is authorized for an average of at least 3 hours but no more than 5 hours of overtime per week.

**8.6 Is an employee who receives AUO eligible to receive holiday pay?** When a supervisor directs an employee to perform nonovertime work on a holiday and approves the necessity for the work in writing, an employee receives holiday pay. Holiday pay cannot exceed 8 hours. Hours worked on a holiday in excess of 8 hours are considered overtime hours when such work can be scheduled administratively. Hours in excess of 8 hours are deemed AUO work only when the reasons necessitating such work meet the criteria for compelling circumstances provided in paragraph 8.7.

**8.7 What kind of duty qualifies for AUO?** Work qualifying for AUO is based on the occurrence of compelling circumstances or reasons inherently related to the continuance of duties. Occurrences of this nature include special events, conditions, or situations inherent in the performance of duties that cannot be postponed to the next workday and that require employees to recognize, generally without supervision, the need to remain on duty or to return to duty. The need to function outside of normal duty hours must be so compelling that the employee's failure to do so would constitute negligence in the performance of duties. The compelling nature of the work is decided before, not after it is performed. When determining whether or not overtime meets AUO criteria, supervisors must consider the reason for which a duty is being performed and not necessarily what duty is being performed. Following are examples of overtime work qualifying for AUO. These examples are provided for further guidance and clarification and are not all inclusive.

**A. Conduct of Investigations.** In this broad area of duty, numerous situations requiring that the employee work overtime could arise.

**(1) Surveillance of suspects.** Whenever an employee engaged in law enforcement work has some control over a situation, surveillance of a suspect may begin. However, if it is essential that the surveillance continue until a crime has been committed or other evidence has been obtained, overtime performed as a result of the need for continued surveillance is creditable as AUO work.

**(2) Meeting with informants.** A meeting with an informant qualifies as AUO when the employee has no control over the time or place the informant desires to meet and if the employee's failure to meet with the informant to further an investigation would constitute negligence.

**(3) Observation of baited areas or other areas of suspected illegal activity.** An employee may be aware of a baited pond or waterfowl hunting club, but may not know who is responsible for placing the bait or when the shooting will commence. Consequently, several days of more than 8 hours may be required before an apprehension is made and the investigation is completed. Similarly, an employee

**FISH AND WILDLIFE SERVICE  
PERSONNEL**

**Personnel**

**Part 225 Classification, Pay and Allowances**

**Chapter 8 Administratively Uncontrollable Overtime**

**225 FW 8**

may have information that unknown subjects are smuggling illegal wildlife at a particular border crossing or other remote location. It is conceivable that an employee would have to continue observation for several hours to further or complete the investigation.

**(4) Working in an undercover capacity or providing back-up in a covert case.** Employees assigned to an undercover role or to assist special agents in a covert investigation can seldom plan the time they may have to report to duty. In many instances, undercover investigations continue based upon reactionary responses to the events and circumstances emerging in a case. Examples of qualifying administratively uncontrollable events include waiting for suspects to deliver illegal wildlife, securing and preserving evidence of covert wildlife purchases, and meeting with special agents at discreet locations.

**(5) Responding to crime-in-progress reports and/or requests for assistance.** This includes any call an employee receives from another law enforcement officer or from a private citizen who reports a crime in progress or requests assistance. An employee's failure to respond under these conditions constitutes negligence.

**(6) Examination of records and evidence.** The examining of records and evidence qualifies as AUO work when an employee must commence or continue to work after regular working hours and the work cannot be practically performed at a later date or during normal working hours (e.g., the third party witness could make the material unavailable at any time). Because records and evidence are often critical to criminal cases, an employee's failure to take advantage of the limited opportunities for such examinations could be construed as negligence.

**(7) Preparation of Reports.** Generally, the preparation of reports is a necessary duty that can be scheduled during a normal 8-hour workday or during periods of regularly scheduled overtime that are approved in accordance with governing regulations. This duty qualifies for AUO only when compelling circumstances require that report preparation be accomplished during overtime hours. For example, the United States Attorney's Office may require an employee to submit a completed case report or other documents on relatively short notice (e.g., the request was made after the beginning of the employee's administrative workweek), and overtime is needed to prepare and assemble the report or to otherwise respond to the request within the prescribed deadline. This example qualifies for AUO because the request was made after the beginning of the employee's administrative workweek and the response involves the immediate analysis, preparation, and dissemination of investigative information supporting critical, time-sensitive actions and the use of irregular or occasional overtime. Although time

and one-half overtime is appropriate for hours of work that can be administratively scheduled, 5 CFR 550.163 prohibits the payment of irregular or occasional overtime authorized under 550.111 of the same title to an employee receiving premium pay for irregular or occasional overtime work on an annual basis. This situation would not qualify for AUO if the requirement is made timely enough to allow for the scheduling of regular overtime. Another example may involve the necessity to make an immediate record of an interview conducted with a witness or an informant to ensure an accurate account of the meeting for prosecution purposes.

**B. Executing search and/or arrest warrants.** Generally, an employee knows or can reasonably plan the time for executing or assisting in the execution of warrants. However, if time outside of duty hours is required to complete the search, inventory and secure evidence, transport (a) prisoner(s), secure the premises, or complete essential case documents, such time may qualify for AUO.

**C. Courtroom Duty.** Participation in a grand jury proceeding or giving testimony in a court case before or after duty hours is creditable as AUO when the employee has no prior knowledge or control of the court schedule and the duty is conducted during overtime hours.

**D. Equipment Maintenance.** Employees typically perform duties involving equipment or vehicle maintenance during the regular tour of duty. On rare occasions, situations may arise that necessitate an immediate response after duty hours. For example, an employee completes a regular 8-hour tour of duty and secures a truck for use in an undercover fish buy the following morning. The brakes on the truck fail and the employee spends 3 hours of after hours duty arranging for the necessary repair. This becomes a qualifying compelling circumstance because the truck is needed for use in an administratively uncontrollable covert operation that could not be postponed to a later date.

**E. Migratory Bird Surveys and Banding.** There is often a requirement for migratory bird survey and banding crews to work overtime in accordance with the biology of waterfowl. The crews must complete spring breeding pair surveys during the relatively brief interval when ducks are paired on territories and/or before drakes leave nesting hens. The production survey must be completed between the time the first broods appear and the time surveys are terminated prior to the annual meetings on the status of waterfowl. The preseason banding program starts when flying young and adult ducks begin to gather in early August and a week before the commencement of hunting seasons in the local area (September 1 in much of Canada). During the fall, winter, and early spring, crews conduct periodic surveys of waterfowl populations in cooperation with numerous State and Federal agencies. These surveys have strict time limits that are determined by migratory bird concentrations and the availability of multi-agency personnel committed over large geographic areas.

**FISH AND WILDLIFE SERVICE  
PERSONNEL**

**Personnel**

**Part 225 Classification, Pay and Allowances**

**Chapter 8 Administratively Uncontrollable Overtime**

**225 FW 8**

Premium pay for AUO is authorized to meet these time limits and to avoid unnecessary expenditures of funds and personnel. In Mexico, crews conduct these surveys within itinerary guidelines approved months in advance by the Government of Mexico, and AUO is authorized to comply with these international requirements. Such work qualifies as AUO since these employees have to work the hours necessary to complete daily survey or banding work and to work as many consecutive days as possible to complete the project within the time available.

**F. Travel.** Travel outside the days and hours of the regularly scheduled workweek qualifies for AUO if it involves the performance of actual work (e.g., guarding prisoners in transport or conducting a mobile surveillance), or it results from an event that could not be scheduled or controlled administratively (e.g., time spent traveling to meet an informant). Return travel from an event that could not be scheduled or controlled administratively also qualifies for AUO. The above examples are not all inclusive; other circumstances may meet the criteria for including travel time as AUO.

**G. Supervision.** Supervision or coordination of any of the above qualifying or similar activities also qualifies for AUO when performed outside of regular duty hours on an irregular or occasional basis, with the supervisory or coordinating official generally determining the need to remain on duty or to return to duty.

**8.8 What are examples of duty that does not qualify as AUO?** Work activities and other related occurrences that are not the result of compelling circumstances do not qualify as AUO and are not creditable for determining eligibility for AUO or for increasing the percentage rate. Some examples of work that does not qualify for AUO are provided below.

**A.** Arriving early or departing late from the office without official cause or sanction. This includes situations in which the employee has the option of taking work home for completion or extending the regular workday in order to complete such work in the office. Also included are situations in which the employee has the latitude to vary the arrival and departure times of a regular 8-hour workday to better accomplish a given objective. Specific examples are included below.

**(1)** Changing a tour of duty to achieve an early arrival or late departure from the worksite to accommodate a carpool or to avoid transportation problems. Early arrivals of this nature are merely for the employee's personal convenience and benefit; they are not required for official reasons.

**(2)** Remaining late at the office to accomplish work (e.g., writing or preparing reports or cases) that could be performed during regular work hours or during periods of approved regularly scheduled overtime.

**(3)** Conducting routine liaison work with field offices in different time zones. If this presents a problem, the employee's hours can be changed to conform with those of the field office. This situation differs from one in which the employee is required by an unforeseen occurrence (e.g., late-breaking raids or arrests) to remain after regular duty hours to coordinate investigative activities occurring at field offices that demand immediate attention.

**B.** Working through lunch hours for personal reasons, including eating lunch at the desk.

**C.** Performing work that could be scheduled during regular duty hours or that could be accomplished using regularly scheduled overtime.

**D.** Attending basic law enforcement training (e.g., Criminal Investigation School), including the time spent traveling to and from Government-sponsored training classes.

**E.** Spending time as a full-time instructor of a scheduled training course in cases where classroom instruction is the primary or only duty.

**8.9 What conditions affect eligibility and rates?**

**A. Newly Appointed or Assigned Law Enforcement Employees.** Employees reporting for duty and immediately assigned to formal training at a law enforcement training center do not receive AUO. Premium pay begins when they report to their first field assignment location for on-the-job training and perform work qualifying for AUO.

**B. Temporary Assignments to Other Duties or for Training.** An employee may continue to receive AUO for a period of no more than 10 consecutive prescribed workdays on temporary assignment to duties that do not qualify for AUO, and for a total of no more than 30 workdays in a calendar year while on such temporary assignment. An employee may continue to receive AUO pay for an aggregate period of no more than 60 prescribed workdays on temporary assignment to an advanced training program or other training (other than on-the-job training) directly related to the duties qualifying for AUO. The payment of AUO may not exceed 60 days in a calendar year for combined periods of temporary assignments for work or training as indicated above. Because this time does not qualify for AUO, an employee cannot use it as a basis for establishing his/her AUO percentage rate.

**C. Seasonal Assignments.** When an employee is assigned to a position in which conditions warranting AUO exist only during a certain period of the year (e.g., survey and banding crews), the payment of AUO is based only on the period the employee is subject to the qualifying conditions.

**D. Periods of Paid Leave.** Annual premium pay for AUO will continue during periods of paid leave (e.g., holidays,

**FISH AND WILDLIFE SERVICE  
PERSONNEL**

**Personnel**

**Part 225 Classification, Pay and Allowances**

**Chapter 8 Administratively Uncontrollable Overtime**

**225 FW 8**

court leave, sick and annual leave, military leave, or other excused absences) and periods covered by lump sum payments. When an employee is absent on paid leave or leave without pay, the days and hours he/she is absent will not be counted for employees who are exempt from the Fair Labor Standards Act (FLSA) when computing an employee's AUO percentage rate. However, the days and hours of paid leave will be included in the computation of AUO percentage rates for nonexempt employees who are subject to the FLSA.

**E. Position Changes/Transfers.** Administratively uncontrollable overtime payments continue when an employee transfers to another position as long as the position requirements continue to warrant the payment of AUO and the substantial hours requirement is met. Such payments terminate when an employee transfers to another position for which AUO is not payable. Payment also terminates when a qualifying position is reclassified or otherwise changes to the extent that it no longer qualifies for AUO. Administratively uncontrollable overtime payments begin at the beginning of a pay period and end at the end of a pay period.

**F. Beginning and ending of AUO.** Except as provided above, AUO payments begin on the date an employee enters on duty in the position and cease on the date the employee ceases to be paid basic pay in a qualifying position. When an employee ceases to be eligible for AUO, management may terminate payment at the end of the review period or at the end of the pay period in which a determination is made that the position and/or employee no longer qualifies for AUO. Officials make adjustments in percentage rates of AUO payments at the beginning of the next review period. This period follows the end of the review period serving as the basis for the determination regarding the new or adjusted percentage rate.

**G. Criminal Investigators.** Criminal investigators (e.g., special agents) who receive availability pay may not receive premium pay for standby duty and AUO. In those rare instances where a special agent is no longer eligible for availability pay, it is not likely that the employee will satisfy the substantial hours requirement for AUO by working an average of at least 3 hours of AUO per week.

**8.10 How are the eligibility and rate determined?**

**A.** An employee is eligible for AUO if the position he/she is assigned requires irregular or occasional overtime work that is performed under the conditions specified in paragraph 8.3 and that is characteristic of the examples described in paragraph 8.7. An employee's assignment to an authorized position does not solely qualify the employee for AUO. The employee must also perform an average of 3 hours of qualifying work weekly in order to meet the minimum eligibility requirement for AUO. When an employee meets all other requirements for AUO but

fails to meet the minimum eligibility requirement, the employee is entitled to time and one-half overtime for the irregular or occasional overtime work performed. The overtime pay or compensatory time off, as appropriate, is warranted since it is unlikely that the work will be reassigned to another employee and there is a tacit expectation by supervisors that overtime work inherent in the duties and responsibilities of a position will be accomplished. Because the need to work overtime is determined by compelling circumstances, supervisors will not be able to approve the overtime in advance of the time it is worked. Therefore, supervisors will approve the overtime by using the normal overtime approval process within 5 days after the overtime is worked.

**B.** The percentage rate for positions that are newly approved for AUO will be based upon a determination of the number of hours of AUO work customarily required in a specific position. The supervisor will determine the number of AUO hours by reviewing available records of similar positions and taking into consideration the amount of qualifying AUO work required in the past and any other information that would provide a reasonable expectation of the number of AUO hours the position will require in the future.

**C.** After the appropriate official has granted approval for the payment of AUO, management officials annually review the use and administration of this premium pay. The objectives of the review are to make a determination concerning the continued requirement for AUO in order to accomplish work demands, to explore other alternatives to the use of AUO, and to adjust AUO percentage rates upward or downward, as appropriate, within statutory limits, when warranted. Management assigns the AUO percentage rate resulting from the review. The percentage rate is for prospective application during the period constituting the next review period. The supervisor determines the amount of the rate only after giving consideration to the number of hours of AUO actually worked during the previous period and the number of hours he/she deems necessary to contend with events and other work demands that are anticipated during the period of application (e.g., the 12-month period following the review).

**D.** For purposes of eligibility and rate determination, supervisors compute weekly averages by totaling all hours of AUO worked during the review period and dividing the sum by the number of weeks of qualifying duty. Then he/she determines the number of weeks of qualifying duty by subtracting the number of days and hours of nonqualifying duty from 260 and dividing the result by 5. Please see Form 3-2094.

**E. Supervisors** will include or exclude periods of paid leave and the time spent in temporary assignments from the computation of weekly average hours of AUO in accordance with guidance provided in paragraph 8.9.

**FISH AND WILDLIFE SERVICE  
PERSONNEL**

**Personnel**

**Part 225 Classification, Pay and Allowances**

**Chapter 8 Administratively Uncontrollable Overtime**

**225 FW 8**

**F. Regional Directors and Assistant Directors** will conduct an annual review to assess individual employee eligibility and the appropriateness of rates for employees in receipt of AUO under their supervision. Based upon the findings of the annual review, they will continue, discontinue, or adjust payments in accordance with the guidelines provided in this chapter. Supervisors document determinations to initiate, discontinue, or adjust the percentage rate of AUO on an SF-52 (Request for Personnel Action) and submit it to the servicing personnel office. Supervisors document authorizations or discontinuances of AUO for migratory bird surveys and banding on Form 3-260 (Authorization to Pay or Terminate Annual Premium Pay for AUO for Short Term Coverage Involving Survey and Banding Crews). All supervisory officials are responsible for ensuring the accomplishment of the Service's mission through sound management practices that minimize the need for overtime.

**8.11 What documentation and controls are required?** The following documents are essential in the proper administration of the use of AUO.

**A. Daily Diary.** Each employee in receipt of AUO will maintain a daily diary that accurately reflects all hours of duty performed each day. Each diary entry will include, but not be limited to, the time the employee entered on duty, a description of the duty, the case number(s) of cases worked (as appropriate), the general location(s) where duty was performed, the time the employee went off duty, the specific hours of AUO, and a detailed account of the compelling reasons for the AUO work. Supervisors should review these diaries randomly to ensure that employees are maintaining them properly.

**B. Monthly AUO Report.**

(1) Each employee in receipt of AUO will prepare a report using Form 3-2017 (Monthly Report of Irregular or Occasional Overtime Work Qualifying for Premium Pay on an Annual Basis). The report provides for the employee's name, the date and specific times AUO was performed, and space for a short narrative that describes where the duty was performed and what circumstances required the employee to remain on or return to duty. The narrative should also include case numbers and any other particulars that will enable the supervisor to make an informed determination concerning the eligibility of the duty for AUO. In addition, the report should include those periods when the employee was absent on leave or when no qualifying AUO work was performed and briefly state the reason why the employee was away from the duty station (e.g., annual leave, holiday, or training).

(2) On the first workday following the end of each month, the employee will complete and certify Form 3-2017 and submit the original and one copy to the immediate supervisor for review and verification. Employees assigned to survey and banding crews will submit the

report directly to the Chief, Branch of Surveys and Assessment, Division of Migratory Bird Management, or to their immediate supervisors or other designated officials in the Regions. If the described work meets AUO criteria, the supervisor will certify on both copies of the form that all or part of the work is qualifying and will return the duplicate to the employee. Officials use the monthly report to complete the verification reports described in paragraph 8.11C.

(3) The immediate supervisor has the primary responsibility for determining if the work qualifies for AUO. The supervisor's review of Form 3-2017 will be detailed, not cursory. When questions arise concerning qualifying duties, the supervisor will promptly resolve them with the employee and ensure that Form 3-2017 accurately reflects only qualifying AUO. If a supervisor cannot resolve an issue related to qualifying work, he/she should refer the situation to the next higher level of line supervision for a determination.

**C. Annual Verification Reports.**

(1) Each employee who is required to submit an AUO report on Form 3-2017 must complete Form 3-2094 (Annual Verification of Administratively Uncontrollable Overtime) at the end of the review period. The review period extends from October 1 through September 30 of each year.

(2) The employee completes Sections 1 - 4 of the form and submits the form along with the last monthly AUO report (Form 3-2017) for September to the immediate supervisor by the first workday of the month following the end of the period covered by the review.

(3) The immediate supervisor or the Chief, Branch of Surveys and Assessments, Division of Migratory Bird Management, will review Form 3-2094 in conjunction with previously submitted AUO monthly reports. After determining that the report accurately reflects the employee's accounting of time worked during the review period, the immediate supervisor completes section 5 of Form 3-2094 and indicates approval by signing the form. The supervisor will submit Form 3-2094 and all monthly reports comprising the review period to the Assistant Director (or his/her designee) or Regional Director (or his/her designee), as appropriate, by the 5th workday of the month following the end of the review period.

**D. Annual Certification Reports.**

(1) **Assistant Directors and Regional Directors** are required to annually certify the rate of AUO pay for each employee. They document this certification on Form 3-2018 (Annual Certification of Administratively Uncontrollable Overtime). The immediate supervisor will forward a completed and signed Form 3-2018 to the respective Regional Director or Assistant Director. Supervisors may forward this form at the same time as the Form 3-2017, but no later than the 15th workday of the

**FISH AND WILDLIFE SERVICE  
PERSONNEL**

**Personnel**

**Part 225 Classification, Pay and Allowances**

**Chapter 8 Administratively Uncontrollable Overtime**

**225 FW 8**

month following the close of each of the review periods identified in paragraph 8.11C(1). This document is the final certification of the payment of AUO to supervised employees for the current review period.

(2) The form provides for an alphabetical listing of employees qualifying for AUO and for inclusion of the information outlined below:

(a) The total hours of creditable AUO work performed by each employee during the qualifying review period.

(b) Each employee's average hours of creditable AUO work per week.

(c) The percentage of AUO pay for which each employee is qualified for the next period.

(3) Following the review of the annual certification, Form 3-2018, and any other appropriate reports deemed necessary, the respective Regional Director or Assistant Director, as appropriate, will certify the accuracy of the AUO rate to be paid. The appropriate official forwards a copy of each Annual Certification to the servicing personnel office by the 20th workday of the month following the close of each review period. The servicing personnel office will review the report to ensure that the percentage rate is properly assigned based upon the average hours worked, initiate personnel actions to make any necessary changes, and maintain a copy of the report in the office's filing system.